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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,498	09/01/2006	Isao Yako	107156-00345	2499
4372	7590	07/24/2009	EXAMINER	
ARENT FOX LLP			ADAMS, CARL	
1050 CONNECTICUT AVENUE, N.W.			ART UNIT	
SUITE 400			PAPER NUMBER	
WASHINGTON, DC 20036			2627	
			NOTIFICATION DATE	DELIVERY MODE
			07/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com

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### Office Action Summary

**Application No.**

10/591,498

**Applicant(s)**

YAKO, ISAO

**Examiner**

CARL ADAMS

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 05/22/2009 with respect to claims 16, 18 – 20, 22 – 24, 26 and 27 have been fully considered but they are not persuasive.

Applicant has offered the argument that:

“Therefore, Kato performs the playback of audio/video data packages as continuous data stream, i.e., in the same sequences as specified in the playback control information and stored in the buffer 6.

In contrast, amended claim 16 recites that when an abnormality is detected in the playback control data, the signal processing means “perform a playback from the presentation data stored in an initial file belonging to the detected data set, without following the playback sequence of said playback control data...” Kato does not disclose or even suggest this subject matter and, therefore, does not anticipate claim 16.”

Examiner responds that Kato shows that abnormalities (errors) are detected in playback control data (playback control information), performs a playback from the presentation data stored in an initial file (stored in memory 7) belonging to the detected data set without following the playback sequence of said playback control data (See Col. 10, lines 28 - 53). Since the errors are eliminated from the playback control information that was originally read from the storage medium (i.e. the “detected set”, and the corrected playback control information is then used to playback the presentation (AV) information in the correct sequence, it is clear that the system does not follow the playback control sequence of “said” playback control data (“detected set”),

which is the original control data read from the storage medium and therefore not necessarily error free.

For the reasons above, claims 16, 20, 24 and all claims which depend on these claims remain unpatentable over Kato.

2. Applicant's arguments with respect to claims 17, 21 and 25 have been considered but are moot in view of the new ground(s) of rejection (See Below).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16, 18 – 20, 22 – 24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato (US 6,396,874 B1).

5. In regards to claims 16, 20 and 24, Kato shows an information playback apparatus (1) (See Fig. 3 and Col. 9, lines 23-29), method and program (See Col. 10, lines 20-53) for playing back contents formed by including one or more data sets having a plurality of files (See Col. 10, lines 4-8) for storing presentation data (video and audio data) and having playback control data for instructing playback sequence of contents of each of said files (See Col. 10, lines 28-32), said information playback apparatus comprising: signal processing means (playback controller (8)) for performing a playback of said presentation data in accordance with playback sequence of said playback control data (See Fig. 3 and Col. 10, lines 20-53); abnormality detecting means (error correcting and coding unit (5)) for detecting whether there is an abnormality in said playback

control data (See Fig. 3 and Col. 10. lines 63-65); and control means (error correcting and coding unit (5)) for, when said signal processing means is playing back said presentation data and once said abnormality detecting means detects an abnormality in said playback control data, detecting a data set to which the playback control data containing said abnormality belongs, and causing the signal processing means to perform a playback from the presentation data stored in an initial file belonging to the detected data set, without following the playback control sequence of said playback control data belonging to the detected data set (See Col. 10, lines 63-67 and Col. 10, lines 1-3 and 20 - 53).

In regards to claims 18, 19, 22, 23, 26 and 27, please see rejection in previous office action.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17, 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Sugimoto (US Pub. No. 2001/0028608 A1).

8. In regards to claim 17, 21 and 25, Kato shows an information playback apparatus (1), (See Fig. 3 and Col. 9, lines 23-29) method and program (See Col. 10. lines 20-27) for playing back contents (video and audio data) formed by including one or more data sets having a plurality of files (See Col. 10, lines 4-8) and first playback control data for instructing playback sequence of contents of each of said files (See Col. 10, lines 20-53), and including one or more

data units in which said files have presentation data (video and audio data) and second playback control data (operating input) for instructing logic address of contents of said presentation data (See Col. 11, lines 19-35 and Col. 13, lines 23-48), said information playback apparatus comprising: signal processing means (playback controller (8)) for performing a playback of said presentation data in accordance with playback sequence of the first playback control data and logic address of the second playback control data (See Fig. 3, Col. 10, lines 47-53 and Col. 13, lines 23-48); abnormality detecting means (error correcting and coding unit (5)) for detecting whether there is an abnormality in said first playback control data (See Fig. 3 and Col. 10, lines 63-65); and control means (error correcting and coding unit (5)) for, when said signal processing means is playing back said presentation data and once said abnormality detecting means detects an abnormality in said first playback control data, detecting a data set to which the first playback control data containing said abnormality belongs, and causing the signal processing means to perform a playback from the presentation data stored in an initial file belonging to the detected data set, without following playback sequence of said playback control data belonging to the detected data set (See Col. 10, lines 63-67 and Col. 10, lines 1-3 and 20-53).

Kato does not show abnormality detecting means for detecting whether there is an abnormality in said second playback control data or for, when said signal processing means is playing back said presentation data and once said abnormality detecting means detects an abnormality in said second playback control data, detecting a data unit to which the second playback control data containing said abnormality belongs, and causing the signal processing means to continue the playback from the presentation data specified by a logical address at the

time an abnormality is detected, without following the logic address of said playback control data belonging to the detected data unit.

Sugimoto shows abnormality detecting means for detecting whether there is an abnormality in playback control data and shows the method of when signal processing means is playing back presentation data and once said abnormality detecting means detects an abnormality in said playback control data, detecting a data unit to which the playback control data containing said abnormality belongs, and causing the signal processing means to continue the playback from the presentation data specified by a logical address at the time an abnormality is detected, without following the logic address of said playback control data belonging to the detected data unit (See Fig. 5 and paragraphs [0101] – [0103]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kato with the teachings of Sugimoto. The reasoning is as the following: Using address information to specify where an error has occurred and correcting the error based on the found address is a simple and effective method of efficiently reproducing data on the medium without errors.

## CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL ADAMS whose telephone number is (571)270-7448. The examiner can normally be reached on Monday through Friday, 8:00 AM to 5:00 PM, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Adams/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627